

Message Text

SECRET

PAGE 01 USBERL 01038 01 OF 02 271546Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----271654Z 013558 /53

O 271517Z APR 77
FM USMISSION USBERLIN
TO SECSTATE WASHDC IMMEDIATE 4458

S E C R E T SECTION 1 OF 2 USBERLIN 1038

EXDIS

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FOR EUR/CE
FOLLOWING TELEGRAM SENT BONN19 APRIL BEING REPATED:

USBERLIN 1038

FOR MR. GERMAN ONLY

E.O.11652: GDS
TAGS: PGOV, PFOR, US, UR, UK, FR, WB
SUBJECT: BERLIN CONTINGENCY PLANNING

REF: USBERLIN 1037
TEXT OF PAPER PREPARED BY USBER ON BERLIN
CONTINGENCY PLANNING WAS CIRCULATED TO ALLIED MISIONS
TODAY. THE FRENCH AND BRITISH MISSIONS ARE IN BROAD
AGREEMENT WITH TEXT. THEY ARE TRANSMITTING TEXT TO RESPECTIVE
BONN EMBASSIES AND WILL INFORM LATTER OF THEIR VIEWS.
FOLLOWING IS REPEAT OF USB 201 OF 19 APRIL 1977

QUOTE

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PAGE 02 USBERL 01038 01 OF 02 271546Z

SUBJECT: BERLIN CONTINGENCY PLANNING

1. IN OUR OPINION RECENT EVENTS DICTATE A RENEWED
EXAMINATION OF ACTIONS TO BE TAKEN IN RESPONSE TO

ATTEMPTS BY THE GDR OR SOVIETS TO ERODE ALLIED RIGHTS
IN BERLIN. THE FOLLOWING IS PRESENTED FOR YOUR CONSIDERATION.

2. WHILE WE BELIEVE THAT CERTAIN MEASURES OR SIGNALS
GIVEN BY US IN BERLIN CAN PLAY A ROLE IN DISCOURAGING
GDR OR SOVIET ACTIONS ON ALLIED ACCESS, WE ALSO BELIEVE THAT
THE MOST EFFECTIVE MEASURES SHOULD PROBABLY BE TAKEN
OUTSIDE THE BERLIN CONTEXT. IN GENERAL, THESE WOULD
BE BILATERAL SIGNALS, WHICH HAVE ALREADY TO A CERTAIN
EXTENT BEEN THE SUBJECT OF BONN GROUP DISCUSSION. WE
BELIEVE FURTHER BONN GROUP DISCUSSIONS ARE IN ORDER
WITH A VIEW TO IDENTIFYING BILATERAL SIGNALS (VIS-A-VIS
THE SOVIET UNION AS WELL AS THE GDR) WHICH COULD BE
GIVEN. WE WOULD ALSO URGE THAT, WHEREVER POSSIBLE,
THE US, FRANCE AND UK SHOULD SEEK TO ACT IN CONCERT
IN TAKING SUCH MEASURES, AND STUDY SHOULD ALSO BE
GIVEN TO INVOLVING THE FRG DIRECTLY IN SUCH ACTION.

3. IN GENERAL, WE THINK THE BASIC PRINCIPLE OF THE
1963 AND 1974 VERSIONS OF BQD-CC-24, THAT SOVIET-
SANCTIONED ACTION AGAINST ALLIED PRESENCE IN EAST
BERLIN SHOULD BE COUNTERED BY CAREFULLY MODULATED
ACTION AGAINST SOVIET PRESENCE IN WEST BERLIN, REMAINS
VALID. IT WOULD HIT THE SOVIETS AT A SENSITIVE POINT; IT
WOULD BE DIRECTLY RELATED TO PROVOCATION AND, SHORT
OF BRINGING IN BILATERAL CONSIDERATIONS OUTSIDE THE
IMMEDIATE BERLIN CONTEXT WHICH IS ALWAYS DIFFICULT,
IT IS ABOUT THE ONLY MEANINGFUL LEVERAGE WE HAVE.

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SECRET

PAGE 03 USBERL 01038 01 OF 02 271546Z

4. LIKE YOU, WE CONSIDER THAT QA HAS MADE SOME OF
THE 1963 PLAN'S SPECIFIC POINTS OBSOLETE, BUT WE THINK
THE 1974 PLAN IS OVERLY CAUTIOUS IN ITS TREATMENT OF
QA-SANCTIONED ORGANIZATIONS. GIVEN ABRASIMOV'S OFF-
HAND TREATMENT OF ACTIVITIES OF SOVIET FLAG TOURS
IN WEST BERLIN, WE THINK SOVIETS MIGHT WELL BE WILLING
TO ACCEPT RESTRICTION ON THEIR RIGHT TO SEND MILITARY
FLAG TOURS TO WEST BERLIN IN TURN FOR RESTRICTION ON
OUR ACCESS TO EAST BERLIN, PARTICULARLY IF FOR OUR
OWN GOOD REASONS WE DID NOT DISTURB THEIR TRIPS TO
REMAINING FOUR POWER INSTITUTIONS -- BASC AND SPANDAU
PRISON. THEY HAVE, VIA QA, SUCCEEDED IN BUILDING UP
VERY SUBSTANTIAL CIVILIAN PRESENCE IN WEST BERLIN
WHICH SHOWS THEIR FLAG (AND MUCH ELSE) FAR MORE EFFEC-
TIVELY THAN MILITARY FLAG TOURS. THIS PRESENCE
OBVIOUSLY HAS A HIGH PRIORITY IN MOSCOW'S GERMAN
POLICY.

5. ON OTHER HAND, IT IS THIS VERY CIVILIAN PRESENCE

ESTABLISHED UNDER QA AND APPARENTLY OF GREAT IMPORTANCE TO SOVIETS WHICH GIVES US MORE LEVERAGE, IF WE HAVE WILL TO USE IT, THAN WE HAD IN 1960'S. WE DO NOT MEAN TO SUGGEST THAT ANY ACTION VIOLATIVE OF THE QA SHOULD BE TAKEN WITH RESPECT TO SUCH QA-SANCTIONED OFFICES AS CONSULATE GENERAL, OFFICE OF FOREIGN TRADE ASSOCIATIONS, INTOURIST, AEROFLOT, AND WAREHOUSES. TO VIOLATE QA OURSELVES COULD LEAD QUICKLY TO UNRAVELING OF AGREEMENT AT EXPENSE OF BROADER WESTERN INTERESTS AND, ALMOST CERTAINLY WOULD LEAD TO A SOVIET CALL FOR A RENEGOTIATION WHICH WOULD NOT BE IN OUR INTEREST.

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PAGE 01 USBERL 01038 02 OF 02 271601Z
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SECRET SECTION 2 OF 2 USBERLIN 1038

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6. THERE IS, HOWEVER, A SUBTLE WAY. THE QA COMMITS US TO ALLOW ESTABLISHMENT AND OPERATION OF THESE SOVIET OFFICES AND SETS A LIMIT TO PERSONNEL THAT MAY BE ASSIGNED TO EACH. IT ALSO SAYS THAT " ALLIED AND GERMAN LEGISLATION AND REGULATIONS WILL APPLY..." PURSUANT OF THESE LAWS AND REGULATIONS, INCLUDING RELEVANT PARTS OF VIENNA CONVENTION ON CONSULAR RELATIONS WHICH IS IN FORCE IN WESTERN SECTORS AND ALLIED KOMMANDATURA LAW NO. 8, WE RETAIN AUTHORITY TO DECLARE ANY INDIVIDUAL PERSONA NON GRATA OR TO EXPEL HIM FROM BERLIN, WE CAN ENVISAGE A GRADUATE ALLIED RESPONSE INCLUDING, FOR EXAMPLE, RESTRICTION ON SOVIET FLAG TOURS AS EARLY RESPONSE TO ALLIED DIFFICULTIES (AFTER DIPLOMATIC PROTESTS) AND THEN, IF DIFFICULTIES CONTINUE (A) SCRUPULOUS ENFORCEMENT OF TRAFFIC REGULATIONS ON SOVIETS IN WSB; (B) ACTION AGAINST ONE OR MORE MEMBERS OF NON-QA-LISTED OFFICES (TASS, SOVEXPORTFILM, TEMA, AND NOVOSTI; AND (C) PREVENTING SOVIETS FROM MOVING AHEAD IN TRADE FIELD, SUCH AS THEIR PLAN TO OPEN A MORFLOT AGENCY IN WEST BERLIN; (D) CLOSING THOSE OFFICES; (E) DECLARING ONE OR MORE MEMBERS OF CONSULATE

GENERAL PERSONA NON GRATA AND EXPELLING ONE OR MORE MEMBERS OF QA-LISTED OFFICE OF FOREIGN TRADE ASSOCIATIONS, INTOURIST AND AEROFLOT (OR REFUSING TO APPROVE A PENDING APPLICATION FOR A NEW MEMBER OF THESE OFFICES); (F) CAREFUL CONTROLS ON ENTRY INTO WSB, AS ENVISAGED IN THE 1974 PLAN, TO PREVENT REAPPEARANCE OF EXPELLED
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PAGE 02 USBERL 01038 02 OF 02 271601Z

PERSONS; (G) CONTINUING TO DECLARE MEMBERS OF CONSULATE GENERAL PERSONA NON GRATA AND TO EXPEL MEMBERS OF OTHER OFFICES (OR REFUSING TO APPROVE NEW MEMBERS) UNTIL , IF NECESSARY, THOSE OFFICES WERE REDUCED TO SKELETON STAFF.

7. SOVIETS WOULD, OF COURSE, HAVE RIGHT TO NOMINATE REPLACEMENTS FOR PERSONNEL DECLARED PERSONA NON GRATA OR EXPELLED, BUT WE COULD DELAY APPROVALS OR THROW OUT PEOPLE SHORTLY AFTER THEY ARRIVED SO THAT EFFECTIVELY OFFICES WOULD FIND THEIR OPERATIONS SEVERELY RESTRICTED.

8. ADVANTAGES OF SUCH A CONTINGENCY PLAN INCLUDE POSSIBILITY IT OFFERS TO APPLY AND INCREASE PRESSURE GRADUALLY IN ACCORDANCE WITH CIRCUMSTANCES AND FACT THAT IT WOULD BE FAR EASIER TO TURN AROUND THAN A POLICY ENVISAGING FORMAL CLOSURE OF OFFICES SANCTIONED BY QA. IF SOVIETS RELENTED ON OUR EAST BERLIN ACCESS, WE COULD SIMPLY ALLOW SOVIETS TO RETURN THEIR OFFICES TO FULL STRENGTH; WE WOULD HAVE BEEN ACTING WITHIN OUR LEGAL AUTHORITY IN WAST BERLIN, AND SOVIETS WOULD NEVER FORMALLY HAVE BEEN DEPRIVED OF THEIR QA RIGHTS. ALSO, ACTIONS GEOGRAPHICALLY CONFINED TO BERLIN OFFER THE SOVIETS (AND ALLIES) GRACEFUL WAY TO BACK AWAY FROM MATTER BY CALLING IT "LOCAL MISUNDERSTANDING". IN ADDITION, ALLIED CAPITALS WOULD AVOID HAVING TO TAKE ACTION IN THE SOVIET-ALLIED BILATERAL AREA.

RELATED STEPS WHICH WE MIGHT CONSIDER ARE:

(A) ELIMINATION OF THE LOOPHOLE IN BK/O(67)7 THROUGH WHICH EASTERN EUROPEANS HAVE ABUSED THE PRIVILEGES OF BK/O(67)7. ALSO, ELIMINATION OF THE BK/L(67)15 PRIVILEGE (IN PARA 5.IV) PERMITTING
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PAGE 03 USBERL 01038 02 OF 02 271601Z

ANY SOVIET NATIONAL TO TRAVEL TO BERLIN AND REMAIN UP
TO THREE MONTHS WITHOUT RECEIVING A FRG VISA.

(B) IN GENERAL, IMPOSITION OF TIGHT VISA CON-
TROLS ON RESIDENT SOVIETS OR VISITORS FOR MORE THAN A
DAY TO WEST BERLIN. INSISTENCE ON A VALID VISA ISSUED
BY THE FRG EMBASSY IN MOSCOW WOULD BE A PERFECTLY
LEGAL MEASURE AND WOULD GIVE THE SOVIETS THE CHOICE
BETWEEN A STEP ACKNOWLEDGING THE FRG'S RIGHT TO
REPRESENT BERLIN ABROAD OR DENUDING THEIR ESTABLISH-
MENTS IN WEST BERLIN.

(C) SENSITIZING POLICE TO APPLY THE FULL EXTENT
OF THE LAW WHENEVER NON-OFFICIAL SOVIETS (I.E. ANY NOT
DIRECTLY RELATED TO THE OCCUPATION OF BERLIN OR
INCLUDED IN THE FIRST TEN MEMBERS OF THE SOVIET
CONSULATE GENERAL) ARE INVOLVED IN POLICE MATTERS.

(D) CONCURRING IN FRG ACTIONS IN BERLIN WHICH
FORMERLY WE HAVE DISCOURAGED FOR POLITICAL REASONS,
WHETHER OR NOT WE LET IT BE KNOWN THAT THIS IS
BEING DONE EXPRESSLY IN THE FACE OF SOVIET OR GDR
ANTAGONISM.

(E) HINDERING SOVIET USE OF THE SOVIET WAR
MEMORIAL, BY ELIMINATING CROWD CONTROL IN THE VICINITY
OF THE WAR MEMORIAL AND, ULTIMATELY, PROHIBITING
SOVIET PRESENCE AT THE WAR MEMORIAL. COMMENT:
BECAUSE OF SYMBOLISM INVOLVED, WE BELIEVE THAT
HINDERING SOVIETS FROM GUARDING WAR MEMORIAL WOULD
EVOKE THE HARSHTEST SOVIET REACTION OF ANY OF THESE
CONTEMPLATED MEASURES. HOWEVER, REDUCING OR ELIMI-
NATING BRITISH AND BERLIN POLICE "GOOD OFFICES" AT
THE WAR MEMORIAL WOULD BE A MUCH LESS SEVERE.
GEORGE UNQUOTE DAVIS

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